

**ENTERED**

November 02, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

PAULETTE CRAWFORD,

Plaintiff,

VS.

CARRINGTON MORTGAGE  
SERVICES, LLC,

Defendant.

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CIVIL ACTION NO. 3:22-CV-113

**ORDER**

Before the court is the defendant Carrington Mortgage Services, LLC's motion to dismiss under Rule 12(b)(5) and 12(b)(6). Dkt. 13. The motion addresses, in part, Crawford's failure to perfect service of process on Carrington. *Id.* at 2. Crawford never requested issuance of a citation from the Clerk of the District Court of Brazoria County before removal, nor has she requested issuance of a summons from this court. Dkts. 2-1; 13 at 4. Carrington removed this case on April 11, 2022, so the plaintiff's deadline to perfect service of process was July 10, 2022. Dkt. 1.


Instead of perfecting service of process on Carrington, Crawford responds that a "complaint for insufficient service of process may be waived," relying on out-of-circuit precedent for that proposition. Dkt. 14 at 3 (citing *Hemispherx Biopharma, Inc. v. Johannesburg Consol. Invs.*, 553 F.3d 1351,

1360 (11th Cir. 2008)).

Not to be outdone, Carrington has itself failed to follow the court's local rules. *See* Galveston District Court Rules of Practice.<sup>1</sup> Because Carrington's motion to dismiss was not accompanied by a certificate of conference, *see* Local Rule 6: Special Requirements for Motions to Dismiss under Rule 12(b), the court *sua sponte* grants Crawford an opportunity to amend.

The plaintiff has fourteen days from the date of this order to amend her complaint, if so desired, and to perfect service of process on the defendant with the live complaint and summons.

Signed on Galveston Island this 2nd day of November, 2022.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Available on Judge Brown's homepage:  
<https://www.txs.uscourts.gov/page/united-states-district-judge-jeffreyv-brown>.